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REMARKS

Applicants wish to thank the Examiner for considering the present application. Applicants also wish to thank the Examiner for the acceptance of the drawings filed with this application on January 16, 2004. Claims 1-15 are pending in the application. The allowability of claim 11 if rewritten in independent form is acknowledged. Applicants respectfully request the Examiner for a reconsideration of the rejections.

Claims 1-15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-21 of U.S. Patent No. 6,810,249. Inasmuch as U.S. Patent No. 6,810,249 is the parent to this application and is assigned to the same Assignee as the present invention, attached please find a Terminal Disclaimer to Obviate a Double Patenting Rejection over a "Prior" Patent.

Claims 1-2, 5-7, 9-10, and 12-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Olds* (5,732,351). Applicants respectfully traverse.

Claim 1 recite at least one beam formed from a first of the plurality of satellites is directed to a group of cells formed from a second of the plurality of satellites. The Examiner points to Figure 2, column 5, lines 28-45 for this teaching. Applicants admit that a tiling pattern is illustrated in Figure 2. However, the passage in Figure 5 and Figure 2 both do not teach or suggest that a beam from a first satellite is directed to a group of cells formed from a second of the plurality of satellites. In fact, it appears that the old reference tries to avoid interference. This is in contract to claim 1 which intentionally directs beams from one satellite to cells formed from the second satellite.

The Examiner also points to column 7, lines 64-column 8, lines 1-14. The Applicants have reviewed this section and believe the Examiner should at least review column 7, lines 45-59 as well. These paragraphs describe handoffs as a subscriber moves from one beam to another

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beam. The subscriber is assigned a channel which is maintained as the user travels from one beam to another. Applicants respectfully believe that channels are different than beams as described in this passage. Channels are maintained by users while another beam from another satellite may switch to the channel used by the subscriber as the subscriber moves into the other beam. Therefore, there is no teaching in this passage for at least one beam formed from a first of the plurality of satellites directed to a group of cells formed from a second of the plurality of satellites.

The Examiner also points to column 12, lines 19-45 for this teaching. Again, it appears that the same channel may be assigned to different beams as long as there is a physical separation between subscriber units. However, this passage also does not teach at least one beam formed from a first of the plurality of satellites directed to a group of cells formed from a second of the plurality of satellites. Therefore, each and every element of claim 1 is not taught in the old reference. Therefore, Applicants respectfully request the Examiner to reconsider this rejection.

Claim 14 is a second independent claim and is directed to a method of operating a satellite system that includes defining a tiling pattern, generating a first set of beams from a first satellite, each of the beams directed to a first group of cells generating a second set of beams from a second satellite that are directed to a second group of cells *wherein at least one of the beams from the second set of beams is directed to one in the first group of cells* and, coordinating coverage between the first set of beams and the second set of beams to avoid interference between the first set of beams and the second set of beams. Claim 15 is directed to a satellite system that has language corresponding to that of Claim 14 in that Claim 15 recites, "A second satellite occupying a second orbital spot generating a second set of beams directed to a second group of cells *wherein at least one of the beams from the second set of beams is directed to one in the first group of cells.*"

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Applicants respectfully submit that this element is not present in the *Olds* reference since with respect to claim 1. Applicants respectfully request the Examiner to reconsider these claims.

Likewise, claims 2, 5-7, 9-10 and 12-13 are dependent claims and are also believed to be allowable for at least the same reasons set forth above.

Claims 3-4 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Olds* in view of *Leopold* (6,226,493). Applicants respectfully traverse.

Applicants can find no teaching or suggestion of a tiling pattern in the *Leopold* reference for the missing elements described with respect to *Olds*. All that is described in the *Leopold* reference is a coverage area.

The Examiner states that it would be obvious to have a second set of beams with a width of 0.5 degrees. The Examiner does not point to any specific teachings for this. Therefore, Applicants respectfully request the Examiner to reconsider the rejection of claim 3.

Claim 4 recites that the cells have an area that is proportional to latitude on the surface of the earth. The Examiner points to figures 1 and 2 and column 6, lines 3-7 of the *Leopold* reference for this teaching. The column 6 reference specifically describes geosynchronous satellites having angles of inclination which are greater than a nominal value. These satellites result in different ground paths. However, no teaching or suggestion is provided for cells that have an area that is proportional to the latitude on the surfaces of the earth.

With respect to claim 8, a first orbital slot and a second orbital slot that are "extensive" is recited. The Examiner admits that *Olds* does not teach coextensive orbital slots. The Examiner points to figures 1 and 12 of *Leopold* for coextensive orbital slots. However, no teaching or suggestion can be found in either of these figures for a satellite having a first orbital slot and a second orbital slot that are coextensive. Applicants therefore respectfully request the Examiner to reconsider the rejection of Claim 3-4 and 8.

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**CONCLUSION**

In light of the remarks above, Applicants submit that all objections and rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

Dated: November 28, 2006

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